REMARKS/ARGUMENTS

In response to the second Non-Final Office Action mailed on April 18, 2005, applicants have submitted a further amendment to the claims to clarify some of the dependent claims of the application but without changing the overall scope of the claims of the application. For the reasons discussed below, reconsideration of the grounds for rejection and favorable consideration and allowance of this application is respectfully solicited.

Claim 16 has been rejected in the 35 U.S.C. 112, first paragraph, for failing to comply with the enablement requirement. In this respect, the Examiner has stated that the claim contains subject matter that is not described in the specification. More specifically the Examiner has stated that the specification fails to disclose an embodiment that includes a single release member actuating push button.

The applicant respectfully disagrees with the Examiner's statement concerning non-enablement as the embodiment of the invention directed to a single slide release member is clearly shown in the drawing figures beginning at Fig. 14 and continuing through the remaining figures of the application. Further, this embodiment of the invention is clearly discussed in detail

throughout the application beginning with the discussion of Fig. 14.

As shown in Fig. 14 and with particular reference to Fig. 16, the slide release member is shown at 140. The slide release member consists of a plate having a push button 142. The plate is urged inwardly and includes projections or leg elements for engaging the latching members to move them relative toward one another.

In view of the foregoing, reconsideration of this grounds for rejection is respectfully solicited. Claim 17 has been amended to remove some of the language which may have been considered objectionable by the Examiner with respect to the issue of enablement. However, it is clear that what is being defined by claim 17 is clearly discussed in detail within the specification and drawings.

Claims 1-7, 9-17 have been rejected under 35 U.S.C. 102 (b) as being directly anticipated by U.S. Patent 5,355,562 to Matoba et al. Claims 16 and 17 have been rejected under 35 U.S.C. 102 (b) as being directly anticipated by the reference to Lohr, U.S. Patent 3,605,210.

Claims 8, 19, and 20 have been rejected under 35 U.S.C. 103 (a) as being obvious over the primary reference to Matoba et al.

when furthered considered in view of U.S. Patent 4,809,409 to Van Risen.

In discussing the manner in which the primary reference to Matoba anticipates the prior invention, the Examiner has stated that the biasing means shown at 16 urges the latching mechanisms toward their locking positions. However, as shown in the drawing figures, and especially Fig. 1, it is the spring element 26 which applies a constant biasing force to urge the hooks 18 to engage the opposing hooks of a latch plate 14.

However, in the cited reference, the generally U-shaped spring element 26 has spring like arms 26b which are connected to a base 28 which is non-slidably engageable with a mounting member 30. The mounting member further includes a projection34 which sits within a recess 32 in the base 28 of the biasing member or spring 26. The structure of the spring member 26 of the cited reference is such that the two arms 26b thereof are independent with respect to one another. Therefore, if force is applied by one of the push buttons to one of the spaced arms 26b, there is no transmission of an equal and opposite force to the opposite spring arm 26b. Further, such a transmission of force cannot take place due to the seated engagement of the base 28 of the spring element 26 with the support member 30 having the extending

projection 32.

The Examiner has stated that at page 3 of the Official Action that when a user pushes on a lower release member by push button 16a without pushing on the upper release member, a force is transmitted through the biasing means lower arm 26b to a tongue 36 which is integrally formed with a latch plate such that an opposite force is applied to the opposite leg of the spring member 26 or the upper leg 26b shown in Fig. 1.

It is respectfully submitted that the Examiner's analysis with respect to the manner in which force would be applied by the legs of the spring to the projection 36 of the latch plate is not correct. As clearly discussed in the reference itself, the end portions 26a of each of the leg members 26b of the spring member 26 provide a squeezing action against the projection 38 to eject the latch plate automatically when the push buttons 16 are engaged to urge the legs of the spring member 26 toward one another. There is no transmission of force across the triangular projection 36 as this member is rigidly fixed with respect to the latch plate and cannot transmit force across the latch plate which would be equal or opposite. This is because the latch plate itself is seated rigidly within the channel of the belt buckle frame.

Further, there is nothing in the reference to Matoba et al. which would suggest providing a structure which would provide the non-initial safety features disclosed in the present application. The center spring assembly disclosed in the cited reference is purely for use in squeezing and ejecting the latch plate as the push buttons push the spring legs away from locked engagement with the hooked ends 14 of the latch plate. There is no disclosure, suggestion nor anticipation of providing an equal and opposite force to one of the latch mechanisms when initial force is applied to the opposite latch mechanism which would tend to drive it to its release position. With applicant's structure and methodology, inadvertent failure and release of the buckle associated with the seatbelt harness cannot take place because an opposite and equal force is always applied to maintain the locked relationship between at least one latching mechanism and the latch plate unless deliberate and manual force is applied to simultaneously drive the latching mechanisms to their second release positions.

Regarding the rejection of claim 9, the Examiner has stated that the primary reference discloses the latch plate having an intermediate tag 36 which prevents the latching mechanisms from moving to their second release positions. The Examiner's

interpretation is contrary to the operative structure of the cited reference. The tang is merely provided to provide for the ejection feature disclosed within the reference. In this respect the Examiner's attention is directed to the discussion beginning at line 57 of column 5 of the reference wherein the operative features of the spring member in association with the projection 38 are clearly disclosed. Projection 38 does not provide a structure which would prevent the legs from allowing a release of the hooks 18 relative to the hooks 14 of the latch plate. The projection 38 is normally seated in engagement with and between the legs 26b of the spring element. Driving it further inwardly would not affect the operative features of the spring element as the legs 26b of the spring element are designed to flex inwardly toward one another. Further, the outer ends 26a thereof are only designed to provide a squeezing force to eject the latch plate from the buckle.

In view of foregoing, there is no structure which provides for an intermediate tang to prevent movement of the latching assemblies to their second release positions in the event that force is applied which would tend to drive the latch plate inwardly of the housing after being seated in a locked position.

In view of the foregoing, reconsideration on the grounds for

rejection with respect to the primary reference is respectfully solicited. For the same reasons discussed above, it is believed that if one were to combine the elements of the housing disclosed in the reference to Van Riesen, the resultant structure would not anticipate applicant's invention as set forth in the claims and as discussed above with respect to the primary reference. Therefore, allowance of all claims of previously rejected with respect to the primary reference to Matoba et al. and the combination of Matoba et al. with Van Riesen is respectfully requested.

The Examiner has rejected claims 16 and 17 as being directly anticipated in our 35 U.S.C. 102 (b) by the reference to Lohr, U.S. Patent 3,605,210. This reference has been discussed in response to the Initial Office Action. The Examiner has not stated any reason in the current Office Action as to how the reference to Lohr directly anticipates the methods of claim 16 and 17.

The distinct differences between the methodology disclosed in the reference to Lohr and the operative characteristics of the physical elements thereof was clearly discussed in applicant's response to the Initial Office Action. The Examiner has not commented with respect to the differences outlined in applicant's

response and it is believed that the Examiner may have inadvertently retained the rejection of claim 16 to 17 within the current non-final office action. However, applicant does reiterate the discussion with respect to the reference to Lohr beginning at page 14 of the Response to the Initial Office Action and continuing through the middle of page 15 of that Response. In essence, Lohr does not teach a structure that provides for an equal and opposite force to be directed to one of the latching mechanisms to retain it in its locked position when an inertial force is applied to an opposite latching mechanisms to move it to its release position. This is because the manner in which the latching mechanisms are connected to the slide release member in the reference to Lohr would not allow for such a transmission of equal and opposite forces to maintain one latching mechanism in a locked position with greater force if a greater force is applied to the opposite latching mechanism to release it.

In view of the foregoing, reconsideration for the grounds of rejection with respect to claim 16 and 17 over the reference to Lohr is also respectfully solicited.

It is respectfully requested that the Examiner grant a personal interview with the undersigned attorney of record in order to further facilitate the prosecution of this application

should the Examiner have any further questions concerning the allowability of the claims of the present application over the prior art. This is a formal request for an interview in the event that any further rejection of the claims over the current prior art is anticipated.

An earnest effort has been made to place this application in condition for allowance. It is believed that the claims define not only a method but an apparatus which is patentably distinct and provides a unique benefit which is not suggested nor possible utilizing the teachings of the prior art references taken alone or in combination.

Respectfully submitted,

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